

STATE OF NEW YORK

671

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to prohibiting the
use of toxic metals in electronic cigarettes and requiring the depart-
ment of health to study the long term health effects of electronic
cigarette users

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section
2 1399-gg-1 to read as follows:

3 § 1399-gg-1. Prohibition on the use of toxic metals in electronic
4 cigarettes. 1. Any person engaged in the business of manufacturing,
5 selling or otherwise distributing electronic cigarettes or any agent or
6 employee of such person shall disclose to the department the materials
7 used in the hardware of the electronic cigarette.

8 2. The department shall establish a list of toxins which persons
9 engaged in the business of manufacturing, selling or otherwise distrib-
10 uting electronic cigarettes or any agent or employee of such person
11 shall be prohibited from using in the manufacture of such electronic
12 cigarettes. Such list shall include, but not be limited to, lead, manga-
13 nese and other toxic metals. Such list shall be regularly updated and
14 shall be published on the department's website.

15 3. No person engaged in the business of manufacturing, selling or
16 otherwise distributing electronic cigarettes or any agent or employee of
17 such person shall manufacture, sell, or otherwise distribute electronic
18 cigarettes that contain a toxin included on the list established by the
19 department pursuant to subdivision two of this section, including in the
20 heating element or any other internal part of such electronic ciga-
21 rettes.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 § 2. Subdivision 1 of section 206 of the public health law is amended
2 by adding a new paragraph (w) to read as follows:

3 (w) direct the department to study the long term health effects on
4 users of electronic cigarettes. Such study shall include data on the
5 long term health effects of inhaling heated aerosols contained in elec-
6 tronic cigarettes.

7 § 3. This act shall take effect immediately.